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INTERNAL AFFAIRS BUREAU INVESTIGATIVE SUMMARY

IV 2412373

Subjects:	Joseph Jakl, Sergeant, [redacted] [redacted] Sergeant, [redacted] [redacted] Sergeant, [redacted]
Unit of Assignment:	Risk Management Bureau, Training Bureau
Date/Day:	August 5, 2016
Location:	12440 East Imperial Highway, Norwalk

ALLEGATION:

It is alleged that Subjects Jakl, [redacted] and [redacted] may have given preferential treatment to a driver at a DUI checkpoint because a passenger in the vehicle was Commander Michael Claus.

SYNOPSIS:

On August 5, 2016, a DUI checkpoint was conducted on Imperial Highway west of Bloomfield Avenue, Norwalk. A vehicle drove into the checkpoint screening area. Witness Iketani made contact with the female driver, identified as [redacted] and smelled alcohol. There were three other persons in the vehicle. They were identified as [redacted] and Commander Michael Claus. Witness Iketani had Ms. [redacted] step out of the vehicle and walked her to the secondary screening area to conduct a DUI investigation.

Witness Iketani began her DUI investigation by asking some preliminary screening questions. Subject [redacted] told Subject Jakl that Commander Claus was a passenger in the vehicle. Before she could begin the physical field sobriety tests, Subject Jakl claimed he looked at Ms. [redacted] eyes and noted a lack of nystagmus. He determined that she was not intoxicated. Subject Jakl told Witness Iketani to discontinue her DUI investigation and told Subject [redacted] to get her out of there. During her interview, Witness Iketani said she had not made a determination as to Ms. [redacted] intoxication level because she did not finish her DUI investigation.

Subject [redacted] removed his uniform shirt and gun belt and drove Witness Claus and the group home in their vehicle. Subject [redacted] said he took off his gun belt so he would not damage the vehicle. Witness Houle followed in a Department vehicle and gave Subject [redacted] a ride back to the DUI checkpoint.

INVESTIGATION

On August 10, 2016, Senior Secretary V Melissa Correa contacted Lieutenant Dominic Valencia and advised him that a female driver, Ms. [redacted] was at the DUI checkpoint on August 5, 2016, and Commander Michael Claus was a passenger in the vehicle. Ms. [redacted] was not arrested. SSV Correa felt that if Commander Claus was not at the checkpoint, Ms. [redacted] would have been arrested. She did not feel that this was appropriate. Lieutenant Valencia documented this in a memorandum. See exhibit A.

Lieutenant Valencia conducted an inquiry and interviewed Witness Iketani. This interview was recorded and transcribed. A summary of this interview was documented in a memorandum. See exhibit B.

Lieutenant Brian Yanagi was contacted to obtain video from the surveillance camera located at 12440 East Imperial Highway, Norwalk. The camera is located on the south-east corner of the building. The DUI checkpoint was situated at the north-east portion of the parking lot. The distance from the camera to the DUI checkpoint is approximately 285 feet. The camera pans back and forth across the parking lot and is not fixed on the DUI checkpoint. During the daylight hours the video is in color. During the evening hours the video appears black and white. Because the video pans back and forth and is of poor quality the incident is not captured on the video. The DVD is contained in exhibit C.

Investigator Note: Several of the witnesses and subjects were shown the surveillance video at approximately 2330 hours. It was learned, later in the investigation, that Witness Callaway ran Ms. [redacted] at 2208 hours. The witnesses and subjects were then shown the surveillance video at approximately 2208 hours.

Witness Robert Hill provided the operations plan, exhibit D, the Checkpoint activity form, exhibit E, and the STAT Card Information, exhibit F. Additionally, he provided the Press release for the checkpoint, as well as the arrest reports and citations, and the overtime slips associated with the DUI checkpoint on August 5, 2016. See exhibit G.

The JDIC Help Desk was contacted to obtain all records run by Witness Glenn Callaway for August 5, 2016. At 2208 hours Deputy Callaway ran Ms. [redacted] See exhibit H.

On December 7, 2016, Ms. [redacted] was sent a letter to request her participation in an interview. As of January 27, 2017, Ms. [redacted] has not contacted Lieutenant Valencia. See miscellaneous documents.

STATEMENTS

WITNESSES

Reserve Deputy Debra Iketani

Witness Iketani was interviewed by Lieutenant Dominic Valencia, Professional Standards Division, on August 12, 2016, at 1120 hours, at Professional Standards Division, Commerce. This interview was summarized in a memorandum dated August 15, 2016, Exhibit B. Additional information and precise wording may be obtained by reviewing the audio recorded interview, and verbatim transcript.

Witness Iketani was re-interviewed by Lieutenant Dominic Valencia, Professional Standards Division, on September 26, 2016, at 1026 hours, at Professional Standards Division, Commerce interview room C. The following narrative is intended only as a synopsis of Witness Iketani's interview. Additional information and precise wording may be obtained by reviewing the audio recorded interview, and verbatim transcript.

Witness Iketani said that she was working the DUI checkpoint when she contacted a female driver, Ms. [redacted] wearing Dodger gear who smelled of alcohol while driving a vehicle. There were three male passengers in the vehicle. Witness Iketani did a quick check of the Ms. [redacted] eyes and noticed horizontal gaze nystagmus. This indicated to Witness Iketani that Ms. [redacted] had depressants, inhalants, or dissociative anesthetics in her system. Witness Iketani said that there is "zero tolerance" meaning that if she smelled marijuana, alcohol, and any drug, that she was going to pull the driver out of the vehicle and check their sobriety.

Witness Iketani said that she began asking the standardized field sobriety test (SFST) questions. She recalled Ms. [redacted] telling her that she was Commander Claus' daughter and that he worked for LAPD. Ms. [redacted] told her they were coming from the Dodger game and going to Commander Claus' house. Subject Jakl then told Witness Iketani that they were going to give the group a ride home. Witness Iketani then stopped her investigation. She had gone through three-

quarters of the questions and had been with Ms. [redacted] from three to five minutes when she was told to stop the investigation. When asked if she was told the reason why she was to stop her investigation, she said that it was because Commander Claus was in the vehicle.

Witness Iketani believed Subject [redacted] gave the group a ride home but was unsure. She was later told Deputy Houle drove the secondary vehicle, but she could not recall who told her.

Witness Iketani was shown surveillance video of the parking lot of the DUI checkpoint at approximately 2334 hours. She said that this was most likely the vehicle Ms. [redacted] was driving. Witness Iketani described the vehicle as a light colored four door sedan. She could not recall the make and model of the vehicle.

Because she stopped her investigation, Witness Iketani was unable to determine if Ms. [redacted] was under the influence of alcohol or what her blood alcohol content was. Witness Iketani did say that Ms. [redacted] had been drinking. She based that on the fact that she could smell alcohol on Ms. [redacted] even after she separated her from the other occupants and the vehicle, and the nystagmus test while she was still seated in the vehicle. Also, she believes that Ms. [redacted] told her that she had two beers but Witness Iketani was not positive.

Witness Iketani was re-interviewed by Lieutenant Dominic Valencia, Professional Standards Division, on January 6, 2017, at 1122 hours, at Professional Standards Division, conference room. The following narrative is intended only as a synopsis of Witness Iketani's interview. Additional information and precise wording may be obtained by reviewing the audio recorded interview, and verbatim transcript.

Witness Iketani said that Subject Jakl had never previously intervened or stopped her DUI investigations, and that no one had ever stopped her.

Witness Iketani said that she checked Ms. [redacted] eyes for nystagmus while she was seated in the vehicle and then walked her to the secondary screening area. She did not check Ms. [redacted] eyes in front of Subject Jakl and Subject Jakl did not check Ms. [redacted] eyes himself. He did not make a comment to her about Ms. [redacted] eyes having a lack of nystagmus.

Witness Iketani was referred to her second interview of September 26, 2016, on page 7. She clarified that she was told by Subject Jakl the reason she was to stop her investigation. She could not recall the exact wording but interpreted the conversation to mean that she was not going to continue her DUI investigation because Ms. [redacted] and the others were going to be driven home.

Witness Iketani said that it was her responsibility to determine if Ms. [redacted] was intoxicated and that her supervisors approve the arrest and booking. She added that she was the only person to assess Ms. [redacted] to make a determination. Subject Jakl did not conduct his own assessment while Witness Iketani was there. Subject Jakl did not perform any field sobriety tests.

Witness Iketani was referred to page nine of her first interview on September 26, 2016, and asked to explain what she meant by the term, "professional courtesy." She said that it meant to give consideration to a Department member or other law enforcement to alleviate harsh consequences, or to not continue an investigation to alleviate a potential arrest.

Witness Iketani was shown a surveillance video tape. The portion shown was time stamped starting at 22:06:03. She said that the video did not help her remember the incident. She was not able to make out where she was standing and could not identify other persons depicted on the video.

Witness Iketani said that she had no contact with Subject [redacted] When Subject Jakl told her she was done with her investigation, she told Ms. [redacted] she was free to leave, but she was not sure.

Sergeant Robert Hill

Sergeant Robert Hill was interviewed by Lieutenant Dominic Valencia, Professional Standards Division, on October 6, 2016, at 1005 hours, at Professional Standards Division, interview room C.

The following narrative is intended only as a synopsis of Witness Hill's interview. Additional information and precise wording may be obtained by reviewing the audio recorded interview, and verbatim transcript.

Prior to the interview, Witness Hill was shown an operations plan dated August 5, 2016, which Witness Hill authored. He said that Subject Jakl was the operations supervisor. He described the role of the operations supervisor as being in charge of the overall operation of the DUI checkpoint.

Witness Hill said that Subject [redacted] was the line supervisor. He described the line supervisor as being in charge of the personnel on the line in the street, monitoring traffic to ensure traffic was not backing up, and handling issues with the drivers.

Witness Hill said that Subject [redacted] and Sergeant Dail were listed as cite/arrest team. He said that they were assigned in a non-supervisory capacity and were responsible for screening cars and citing or arresting drivers as appropriate.

Witness Hill said that LET Kathy Montes was assigned as count. The count person was to count the vehicles and indicate on the Checkpoint Activity form the number of cars that went through the checkpoint, the drivers that were screened or given a field sobriety test, and the drivers that were arrested. She was also supposed to write her name and the top of the form.

Witness Hill said that if a driver is cited, a copy of the citation is kept; if a driver is arrested, a copy of the booking package and arrest report is kept. However, there is no procedure to identify a person when a driver is given field sobriety tests and not arrested. He said in retrospect there should be a procedure to identify a person that is briefly detained and released.

Witness Hill was asked about the primary screening area and the secondary screening area. He described the primary screening area as the street where deputies are looking for drunk or impaired drivers. If an impaired driver is identified, they are told to exit the vehicle and are walked to the secondary screening area. If there is a question about their license, the driver is told to drive into the secondary screening area where a deputy will check their license status. He said the person in charge of the primary screening area is the line supervisor; on this night the line supervisor was Subject [redacted]

Witness Hill said that if someone appears to be under the influence, they are taken to the secondary screening area. At the secondary screening area the driver is given the standardized field sobriety test. If they are given a preliminary alcohol screening device and it shows no alcohol, they are free to leave. If the driver has been drinking, but not under the influence, the driver would be asked to sit a while or they would be allowed to call a taxi. He said the operational supervisor is in charge of the secondary screening area.

Investigator Note: The operational supervisor on this night was Subject Jakl.

Witness Hill was re-interviewed by Lieutenant Dominic Valencia, Professional Standards Division, on January 5, 2017, at 1020 hours, at Professional Standards Division, conference room. The following narrative is intended only as a synopsis of Witness Hill's interview. Additional information and precise wording may be obtained by reviewing the audio recorded interview, and verbatim transcript.

Witness Hill said that he has been the operations supervisor on approximately six DUI checkpoints and has worked approximately 100 DUI checkpoints as a deputy. During that time he has never told anyone to stop their DUI investigation, and as a deputy was not told to stop his investigation.

When asked if he could give a reason he would stop a DUI investigation, Witness Hill gave an example that if it was a busy night he would tell the deputy to speed it up. But in the example he gave this would only be after it was established that the person was not under the influence.

Witness Hill said that the person responsible for determining if someone is under the influence of alcohol is the deputy conducting the investigation. He has never heard of a supervisor telling a deputy to stop their investigation prior to determining if that person was under the influence.

Witness Hill said that the purpose of the grant is to identify and remove drunk drivers, and to educate the public. The grant is funded by the California Office of Traffic Safety through the National Highway Transportation Safety Administration. He said that it would not reflect well if it were to go out that we had a possible drunk driver, stopped the investigation and sent them on their way. He added that if we had a history of this it could affect the grant.

Witness Hill said that there is no log kept, of a person's name, who is briefly detained and given a warning and released.

Witness Hill was asked if he was aware of persons being given a ride home by Department personnel. Witness Hill recounted an incident in Palmdale where a group was going to be driven home, but it was determined that they lived too far away, so they were not driven home.

Witness Hill then recounted an incident in Lancaster where the group had been drinking but was not under the influence and they had a car full of groceries. In that case a deputy drove their car and he followed and drove both deputies back. He said that he was a deputy then and was the one who drove the follow vehicle.

Witness Hill said that driving another person's car does open the Department to liability. He also said that the Department would also be liable if the person was let go and they were in a collision down the street, or if they were to stop, get more to drink and get in a crash. He said it would minimize liability if we drove them home and did our due diligence.

When asked if it would be appropriate to leave their assignment to drive someone home from a DUI checkpoint, Witness Hill replied that if they are asked to do so, it becomes their assignment.

Deputy Jeffery Houle

Deputy Jeffery Houle was interviewed by Lieutenant Dominic Valencia, Professional Standards Division, on October 26, 2016, at 0950 hours, at Professional Standards Division, in the conference room. Witness Houle was represented by Emily Suhr of Green and Shinee.

The following narrative is intended only as a synopsis of Witness Houle's interview. Additional information and precise wording may be obtained by reviewing the audio recorded interview, and verbatim transcript.

Witness Houle said that he was working the DUI checkpoint the night of August 5, 2016. He was talking to Subject [redacted] when his attention was drawn to the primary screening area where a driver was being detained and the passengers where exiting the vehicle. He did not know if Deputy Esqueda or Witness Iketani initiated the stop. He recognized Commander Claus exiting the back seat on the passenger's side of the vehicle. Witness Houle described the vehicle as a dark colored Honda or Acura.

Witness Houle said that Commander Claus had his hands raised with his palms up and said, "Really." Witness Houle told Commander Claus, "Why don't you come over here with me." Commander Claus replied, "Okay, no problem." He felt Commander Claus was embarrassed, and not using his influence as a commander. Witness Houle said that Commander Claus was completely cooperative. After his initial contact with Commander Claus, he had no further conversation with Commander Claus. Subject [redacted] stood with Commander Claus and the other two male occupants. Witness Houle was directly asked if Commander Claus used his influence as a Department commander to pressure the sergeants into stopping the DUI investigation. Witness Houle said, "Absolutely not." Witness Houle did not feel the DUI investigation was stopped.

Witness Houle did not know Ms. [redacted] name and described her as, 5'3" to 5'4" weighing 90 to 110 pounds with dark hair and unknown color eyes. Her clothes were casual, a t-shirt and jeans. In addition to Ms. [redacted] and Commander Claus, there were two other males in the car. Witness Houle did not know either of the two males.

Witness Houle said that in his opinion, Ms. [redacted] was not impaired. He based this due do him seeing Ms. [redacted] walk and there was a lack of her needing help. He

saw her perform a finger to nose test and a one-leg stand test. Witness Houle saw this from 15-20 feet away and said that she performed these tests fine. He did not have any conversation with Ms. [redacted] Witness Houle said Witness Iketani has more experience than he does in the field of DUI investigations, and that if Witness Iketani felt that Ms. [redacted] was impaired, she would have been arrested.

Investigator Note: Witness Iketani and Subject Jakl both stated that the physical portion was the Field Sobriety Test was not given to Ms. [redacted]

Witness Houle initially said Subject Jakl told him that Subject [redacted] was going to give Commander Claus a ride home whether Ms. [redacted] was arrested or not (page 11). Later in the interview Witness Houle attributed this comment to Subject [redacted] (page 14 and 15).

Subject [redacted] Ms. [redacted] Commander Claus, and the two males loaded into their car and drove to Commander Claus' house. Witness Houle followed in another car. Witness Houle said that Subject [redacted] took off his uniform shirt and Sam Browne. Witness Houle was not told why Subject [redacted] removed these items.

Witness Houle drove Subject [redacted] back to the DUI checkpoint. They did not have any conversation about this incident and continued talking about whatever it was they were taking about before this incident started.

Witness Houle did not have any conversation with Witness Iketani other than to ask her if she was going to arrest Ms. [redacted] Witness Iketani said that she was not. The purpose of asking Witness Iketani this was to help with booking if Ms. [redacted] was going to be arrested.

Witness Houle did not recall having a conversation about this incident with Witness [redacted] He said that Witness [redacted] was 20-40 feet away from where Ms. [redacted] was being screened, and away from where Commander Claus and his group were standing.

Witness Houle said that Witness Dail was not present during this time. When Witness Dail returned, Witness Houle had a conversation with Witness Dail. Witness Dail expressed that he did not feel comfortable with the way things were handled. Witness Houle explained that Witness Dail was not present and that in Witness Houle's opinion, everything was handled appropriately. Witness Dail said that he would have done things differently; however, Witness Houle could not recall what Witness Dail said.

Witness Houle was shown surveillance video of the parking lot where the DUI checkpoint was staged. Witness Houle said that the vehicle depicted in the video took the same route as they did, but he could not say with certainty this was him driving out of the parking lot.

Sergeant Daniel Dail

Sergeant Daniel Dail was interviewed by Lieutenant Dominic Valencia, Professional Standards Division, on November 4, 2016, at 1556 hours, at Walnut Sheriff's Station in the operations office. Witness Dail was not represented.

The following narrative is intended only as a synopsis of Witness Dail's interview. Additional information and precise wording may be obtained by reviewing the audio recorded interview, and verbatim transcript.

Witness Dail said that Witness Iketani had called him prior to being interviewed by Lieutenant Valencia. She explained to him that she was working the screening line and brought a female, Ms. [redacted] to the secondary screening area and started a DUI investigation, but she was stopped and Ms. [redacted] was driven home. Witness Iketani was upset that her investigation was stopped. Witness Dail told Witness Iketani to be honest, candid, and forthcoming in her interview.

Witness Dail also talked to Witness Hernandez on the night of the checkpoint. He said that after he returned from [redacted] with Deputy Sepulveda, he talked to her and she said she was glad he was not at the checkpoint. He asked why, and was told that something went down with the commander and it is not going to be good.

Sergeant Dail said that he worked Traffic Services for six years and it is not normal procedure to stop the investigation. He said you do the pre-investigative questions, you do the field sobriety tests, and then the deputy makes the determination to whether the Preliminary Alcohol Screening device is used. He had never seen a supervisor step in and stop somebody.

LET Christina Hernandez

Law Enforcement Technician Christina Hernandez was interviewed by Lieutenant Dominic Valencia, Professional Standards Division, on November 25, 2016, at 1222 hours, at the Professional Standards Division conference room. Witness Hernandez was not represented.

The following narrative is intended only as a synopsis of Witness Hernandez's interview. Additional information and precise wording may be obtained by reviewing the audio recorded interview, and verbatim transcript.

Witness Hernandez said she was assigned in the Pit at the DUI checkpoint and her assignment was to tow vehicles. She added that she overheard an unknown person say Commander Claus was at the checkpoint. She later took Witness Dail aside and told him that she was glad he was not at the checkpoint.

Witness Hernandez said it was very chaotic. She described that Witness Iketani was with Ms. [redacted] near the trailer, Witness [redacted] was standing with Commander Claus at the car approximately twenty-five feet away, and the two other males were standing in a different area.

Witness Hernandez said Ms. [redacted] was detained for ten to fifteen minutes. She could see Subject Jakl and Witness Iketani, but could not hear what they were saying. She was not told what was said between the two.

Witness Hernandez saw Subjects Jakl, [redacted] and [redacted] having a conversation before the group was let go, but could not hear their conversation. After the conversation, everybody went back to screening cars, and Ms. [redacted] and the other males were driven away by Subject [redacted] She saw that Subject [redacted] was wearing a white t-shirt and green pants, and had removed his uniform shirt. She was not told why and did not know why Subject [redacted] had removed his uniform shirt.

Witness Hernandez did not have a conversation with Subject Jakl, Subject [redacted] Subject [redacted] or Witness Iketani about what happened on the night of August 5, 2016.

Witness Hernandez said she was standing ten to fifteen feet away from where Witness Iketani was detaining Ms. [redacted] She could not hear what they were saying. Ms. [redacted] was seated in a chair the entire time. She did not see Ms. [redacted] perform any of the physical portion of the field sobriety tests.

Witness Hernandez did not know Ms. [redacted] name and described her as female, white, 5'5", light brown hair, late 20's to early 30's, 115 to 120 lbs., wearing a Dodgers shirt.

Witness Hernandez said she did not hear the conversations that were taking place but it was her opinion that the group was allowed to go home without being properly checked for driving under the influence of alcohol. She assumed this because the commander was there.

Witness Hernandez said the usual things that occur did not occur. She said that usual things are questions are asked of the person being investigated, then the physical portion of the field sobriety tests, then the individual will blow in the breathalyzer, then the deputy determines if they are going to arrest the person for DUI or not.

Witness Hernandez said she saw Subject Jakl and Witness Iketani together but could not hear their conversation. After approximately two minutes Witness Iketani put her things away and went back out on the line to screen cars.

Witness Hernandez said Commander Claus and the people he was with got to go home, that the checkpoint felt disorganized, and that when Witness Dail ran the checkpoint he was very organized.

Deputy Glenn Callaway

Deputy Glenn Callaway was interviewed by Lieutenant Dominic Valencia, Professional Standards Division, on January 6, 2017, at 1009 hours, at Professional Standards Division, conference room.

The following narrative is intended only as a synopsis of Witness Callaway's interview. Additional information and precise wording may be obtained by reviewing the audio recorded interview, and verbatim transcript.

Witness Callaway confirmed that he worked the DUI checkpoint on August 5, 2016, in Norwalk. He explained that his vantage point was from inside the DUI trailer. He saw the female driver, Ms. [redacted] being screened by Witness Iketani. He was not sure who escorted Ms. [redacted] to the screening area. He also saw Commander Claus and other males escorted to where the vehicle was. He saw Witness Iketani begin the field sobriety test process on Ms. [redacted] from 15 feet away. He remembered Witness Iketani asking routine questions but did not see Witness Iketani administer the balance and coordination tests, stating that his attention may have been diverted. After approximately five minutes Ms. [redacted] was escorted to the vehicle.

Witness Callaway said he saw Witness Iketani and Subject Jakl together, but was not close enough to overhear their conversation. He did not recall seeing Subject [redacted] make contact with anyone or saying anything to anyone.

Witness Callaway said he keeps count of the number of arrests made, number citations issued, number of vehicles towed, and number of drivers that are evaluated for DUI. Only numbers are kept, not the names of the persons.

Witness Callaway said he runs people detained in JDIC. He did not remember who gave him Ms. [redacted] information or how he obtained the information. He did not recognize Ms. [redacted] name when shown the DMV printout. It did not refresh his memory of Ms. [redacted] when shown the physical description; however, he did recall Ms. [redacted] matching the physical description of the DMV printout.

Witness Callaway said that Witness Iketani had Ms. [redacted] escorted in the direction of the vehicle. He did not hear Witness Iketani make any comment about Ms. [redacted] being released or complain about Ms. [redacted] being released.

Witness Callaway said Subject Jakl told him the driver was not under the influence. He asked Subject Jakl and Subject [redacted] "What was that all about?" He received no response. He had no conversation with Subject [redacted]

Witness Callaway said he has worked traffic services for 17 years and has worked 400 to 500 DUI checkpoints. During that time he has never heard of department members driving a citizen's vehicle home. He did not know how Ms. [redacted] Commander Claus, and their group were driven home stating that his view was through the window of the trailer.

Commander Michael Claus

Commander Michael Claus was interviewed by Lieutenant Dominic Valencia, and Sergeant Jessica Brother, Professional Standards Division, on December 6, 2016, at 1011 hours, at a residence in Whittier. Witness Claus was not represented.

The following narrative is intended only as a synopsis of Witness Claus' interview. Additional information and precise wording may be obtained by reviewing the audio recorded interview, and verbatim transcript.

Witness Claus said that he was the rear passenger on the driver's side when he came upon the DUI checkpoint in Norwalk. He added that Ms. [redacted] (he knew her only as [redacted] was the driver, [redacted] Ms. [redacted] boyfriend was in the front passenger's seat, and [redacted] was the seated in the rear seat on the passenger's side. The group were family friends.

Witness Claus said that when they drove up to the DUI checkpoint a female Asian deputy contacted Ms. [redacted] the driver, and asked her if she had anything to drink. Ms. [redacted] replied that she had one beer. The female deputy then shouted across the parking lot, "We got one." Then a male deputy approached Witness Claus at the car door. Witness Claus told the male deputy that he was an off-duty deputy and that he had his gun on the floor by his feet. The male deputy then yelled, "We have

an off-duty cop with a gun." They walked to the parking lot where Witness Claus stood by the car. Subject [redacted] told Witness Claus words to the effect, "We're gonna go by the numbers here because you never know who's watching." Witness Claus replied, "I'm not here as a commander, I don't want any special treatment, you do whatever you have to do." He saw Ms. [redacted] sitting by herself. After approximately five minutes Witness [redacted] told him, "Look, we're going to err on the side of caution because everyone's obviously had some alcohol and we're gonna drive you home."

Witness Claus said he almost lost his patience because the deputies were yelling, 'we got one,' and 'we have an off-duty deputy.' He felt this was unprofessional. He said that they should have spoken in a lower voice and not told everyone else who was waiting in line.

Witness Claus said that Witness [redacted] took off his uniform shirt when he drove them home; however, he does not know why Sergeant [redacted] took off his uniform shirt, and was not told why this was done.

When asked if Witness Claus said, "Really guys, she's my designated driver," he said that he may have said something like that, stating that Ms. [redacted] had only had one beer. He said that the plan was that Ms. [redacted] was going to be the designated driver before they left his house.

Witness Claus said that he did not see any interaction between the female deputy and Ms. [redacted] He only saw Ms. [redacted] seated at the checkpoint and did not see Ms. [redacted] perform any field sobriety tests.

Witness Claus said that [redacted] was upset because Witness Claus was not doing anything. Witness Claus told him that he could not get involved. Witness Claus said he looked in the direction of Ms. [redacted] once or twice, but did not want to look in her direction because he had decided not to get involved.

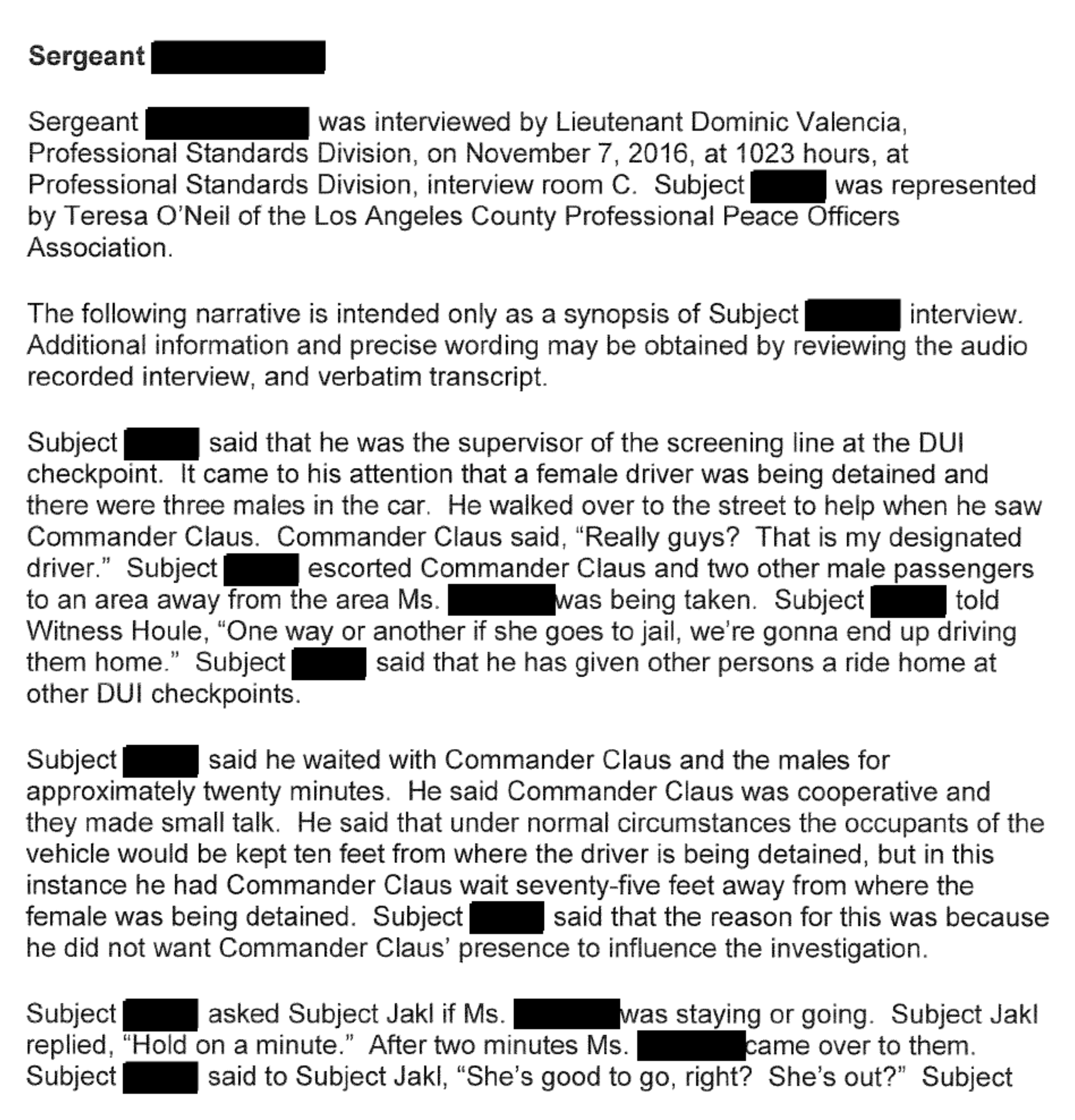
Witness Claus said that he had one beer before the Dodger game and three beers at the Dodger game. He said he had his gun with him but did not feel that he had too much to drunk to have his gun with him. He said that the vehicle they were in was Ms. [redacted] vehicle and not a Department vehicle.

Witness Claus said that he did not remember having a conversation with Subject Jakl, Witness Houle, or Witness Iketani. He believes that he worked with Witness [redacted] at Norwalk Station. He only exchanged pleasantries with Subject [redacted] The conversation he had with Subject [redacted] was Subject [redacted] telling

him, "We have to do things by the numbers, 'cause we don't know who's watching," and Witness Claus' reply, "You do what you have to do."

When asked, Witness Claus said that he did not think that he received preferential treatment at the DUI checkpoint and did not use his position to gain preferential treatment.

SUBJECTS



Sergeant [redacted]

Sergeant [redacted] was interviewed by Lieutenant Dominic Valencia, Professional Standards Division, on November 7, 2016, at 1023 hours, at Professional Standards Division, interview room C. Subject [redacted] was represented by Teresa O'Neil of the Los Angeles County Professional Peace Officers Association.

The following narrative is intended only as a synopsis of Subject [redacted] interview. Additional information and precise wording may be obtained by reviewing the audio recorded interview, and verbatim transcript.

Subject [redacted] said that he was the supervisor of the screening line at the DUI checkpoint. It came to his attention that a female driver was being detained and there were three males in the car. He walked over to the street to help when he saw Commander Claus. Commander Claus said, "Really guys? That is my designated driver." Subject [redacted] escorted Commander Claus and two other male passengers to an area away from the area Ms. [redacted] was being taken. Subject [redacted] told Witness Houle, "One way or another if she goes to jail, we're gonna end up driving them home." Subject [redacted] said that he has given other persons a ride home at other DUI checkpoints.

Subject [redacted] said he waited with Commander Claus and the males for approximately twenty minutes. He said Commander Claus was cooperative and they made small talk. He said that under normal circumstances the occupants of the vehicle would be kept ten feet from where the driver is being detained, but in this instance he had Commander Claus wait seventy-five feet away from where the female was being detained. Subject [redacted] said that the reason for this was because he did not want Commander Claus' presence to influence the investigation.

Subject [redacted] asked Subject Jakl if Ms. [redacted] was staying or going. Subject Jakl replied, "Hold on a minute." After two minutes Ms. [redacted] came over to them. Subject [redacted] said to Subject Jakl, "She's good to go, right? She's out?" Subject

Jakl replied "Oh, yeah." Subject [redacted] replied, "Okay, cool, I'm gonna drive them home."

Subject [redacted] described the vehicle the group was in as an Infinity, Acura, or Lexus. He said that he took off his uniform shirt and gun belt and drove the group home. He said the reason he took off his uniform shirt, bullet-proof vest, and gun belt was because he is not a small person and did not want to damage the car.

Subject [redacted] did not know Ms. [redacted] name. He described her as female, 5'4", 120-130 lbs., brunette hair, and unknown color eyes.

Subject [redacted] knows Commander Claus because he was the operations lieutenant at Norwalk Station when Subject [redacted] worked at Norwalk Station.

Subject [redacted] said Ms. [redacted] was detained for approximately twenty minutes. From seventy-five feet away he saw Ms. [redacted] seated in a chair. He did not see Ms. [redacted] perform the physical DUI tests, but he was not paying attention; rather, he was watching Commander Claus and the two males.

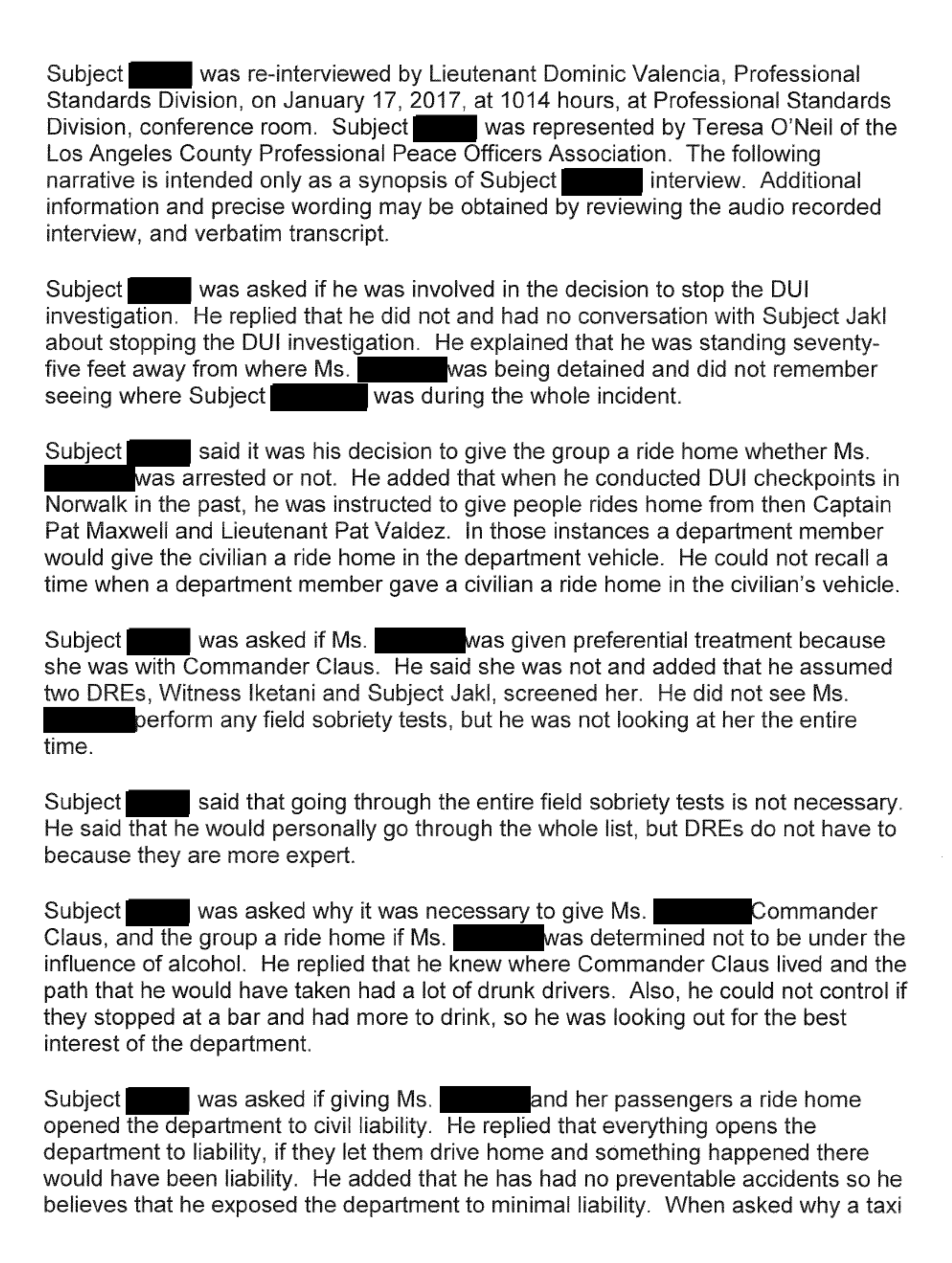
While Subject [redacted] was driving the group home, Ms. [redacted] told him that she had drank two beers. Subject [redacted] could not smell alcohol on her and she did not appear to be under the influence of alcohol.

Subject [redacted] did not have a conversation with Subject [redacted] and did not know where Subject [redacted] was during this portion of the evening. After he returned from dropping off Commander Claus and the group, he told Subject Jakl and Subject [redacted] that everybody was all right.

Subject [redacted] said that he did not have a conversation with Witness Dail about this incident. He added that Witness Dail was booking.

Subject [redacted] said that Commander Claus admitted that he had been drinking; he was not obnoxious or trying to throw his weight around, and he was cooperative. When asked if Commander Claus was trying to use his influence as a Department commander to get preferential treatment, Subject [redacted] said, "No."

Subject [redacted] was shown surveillance video. The video was date stamped as August 5, 2016 and the time period shown was 23:34:05 through 23:40:06. Subject [redacted] said that it did not appear to depict himself and Witness Houle drive the vehicles away from the check point. He said the vehicles appeared to be the wrong size, the wrong color, and the actual route taken was different from the route the vehicles depicted in the video.



Subject [redacted] was re-interviewed by Lieutenant Dominic Valencia, Professional Standards Division, on January 17, 2017, at 1014 hours, at Professional Standards Division, conference room. Subject [redacted] was represented by Teresa O'Neil of the Los Angeles County Professional Peace Officers Association. The following narrative is intended only as a synopsis of Subject [redacted] interview. Additional information and precise wording may be obtained by reviewing the audio recorded interview, and verbatim transcript.

Subject [redacted] was asked if he was involved in the decision to stop the DUI investigation. He replied that he did not and had no conversation with Subject Jakl about stopping the DUI investigation. He explained that he was standing seventy-five feet away from where Ms. [redacted] was being detained and did not remember seeing where Subject [redacted] was during the whole incident.

Subject [redacted] said it was his decision to give the group a ride home whether Ms. [redacted] was arrested or not. He added that when he conducted DUI checkpoints in Norwalk in the past, he was instructed to give people rides home from then Captain Pat Maxwell and Lieutenant Pat Valdez. In those instances a department member would give the civilian a ride home in the department vehicle. He could not recall a time when a department member gave a civilian a ride home in the civilian's vehicle.

Subject [redacted] was asked if Ms. [redacted] was given preferential treatment because she was with Commander Claus. He said she was not and added that he assumed two DREs, Witness Iketani and Subject Jakl, screened her. He did not see Ms. [redacted] perform any field sobriety tests, but he was not looking at her the entire time.

Subject [redacted] said that going through the entire field sobriety tests is not necessary. He said that he would personally go through the whole list, but DREs do not have to because they are more expert.

Subject [redacted] was asked why it was necessary to give Ms. [redacted] Commander Claus, and the group a ride home if Ms. [redacted] was determined not to be under the influence of alcohol. He replied that he knew where Commander Claus lived and the path that he would have taken had a lot of drunk drivers. Also, he could not control if they stopped at a bar and had more to drink, so he was looking out for the best interest of the department.

Subject [redacted] was asked if giving Ms. [redacted] and her passengers a ride home opened the department to civil liability. He replied that everything opens the department to liability, if they let them drive home and something happened there would have been liability. He added that he has had no preventable accidents so he believes that he exposed the department to minimal liability. When asked why a taxi

was not called for the group, Subject [redacted] said they would have had to wait for a prolonged period of time, 20-30 minutes.

Subject [redacted] was referred to page 13 of his first interview where he stated he could not smell alcohol on Ms. [redacted] He added that Ms. [redacted] was seated in the passenger's seat approximately two and a half feet away. She was facing forward and he did not cup his hand to her mouth. He said that his conversation with Ms. [redacted] was that she was frightened. He explained that he gets nervous when the police pull him over.

Subject [redacted] was asked how he made the determination that Ms. [redacted] was not under the influence of alcohol. He said the DREs made the determination that she was not under the influence of alcohol and to him she did not appear to be under the influence of alcohol.

Subject [redacted] was shown surveillance video. The video was date stamped as August 5, 2016 and the time period shown was 22:06:09 through 22:17:57. Subject [redacted] said that he could not recognize himself in the video or the vehicle he was driving.

Sergeant [redacted]

Sergeant [redacted] was interviewed by Lieutenant Dominic Valencia, Professional Standards Division, on November 17, 2016, at 1140 hours, at Professional Standards Division, interview room C. Subject [redacted] was represented by Teresa O'Neil of the Los Angeles County Professional Peace Officers Association.

The following narrative is intended only as a synopsis of Subject [redacted] interview. Additional information and precise wording may be obtained by reviewing the audio recorded interview, and verbatim transcript.

Subject [redacted] said that he worked the DUI checkpoint in Norwalk on August 5, 2016. He admitted that he was assigned as the line supervisor and described his function as an extra sergeant and assisted Subject Jakl.

Subject [redacted] heard that Commander Claus was a passenger in a vehicle that was detained. He saw Commander Claus and advised Subject Jakl. When asked why he told Subject Jakl that Commander Claus was in the car, Subject [redacted] said that he would have told Subject Jakl if any Department member was in the car.

Subject [redacted] said that Commander Claus said that he had been drinking and that Ms. [redacted] was the designated driver. He said that Commander Claus had his hands up at shoulder height with his palms out. Subject [redacted] could not recall what Commander Claus said, but he interpreted it to mean, you guys do what you have to do. Subject [redacted] could not tell if Commander Claus was intoxicated. When asked if Commander Claus used his influence as a Department executive to influence the investigation, Subject [redacted] said, "Not at all."

Subject [redacted] did not know Ms. [redacted] name and described her as female, white, 20s, unknown height, average weight, unknown color hair and eyes. Subject [redacted] said that Ms. [redacted] was detained for approximately ten minutes, and he did not see Ms. [redacted] perform any field sobriety tests. He believed that Subject Jakl or possibly someone else told him to send Ms. [redacted] over to where Commander Claus was.

Subject [redacted] was shown surveillance video of the DUI checkpoint. He said that video did not refresh his memory and that the video was distant and grainy.

Subject [redacted] said that Subject Jakl later told him that he (Subject Jakl) did not see any alcohol in her eyes. Subject [redacted] took this to mean that Ms. [redacted] did not have any nystagmus that DREs look for.

Subject [redacted] was re-interviewed by Lieutenant Dominic Valencia, Professional Standards Division, on January 12, 2017, at 1034 hours, at Professional Standards Division, interview room D. Subject [redacted] was represented by Teresa O'Neil of the Los Angeles County Professional Peace Officers Association.

The following narrative is intended only as a synopsis of Subject [redacted] interview. Additional information and precise wording may be obtained by reviewing the audio recorded interview, and verbatim transcript.

Subject [redacted] stated that he had a clarification from his first interview from November 17, 2016. He said that on page seven, he was asked if he had a conversation with Subject [redacted] or Witness Houle. He was asked if he had a conversation with Witness Houle was about Commander Claus or Ms. [redacted] Subject [redacted] replied that he had a conversation, but did not remember who was present. The conversation was about Witness Iketani was very high strung and irritated, then corrected and word 'irritated' to 'loud.' When asked what Witness Iketani was saying that was loud, Subject [redacted] could not recall but said that he could tell that she was irritated and said something to the effect that she did not get her DUI yet, but was not sure of her exact words.

Subject [redacted] was asked if he had a discussion with Subject [redacted] about Witness Iketani, Ms. [redacted] or Commander Claus. Subject [redacted] said that his discussion with Subject [redacted] was that Witness Iketani makes a big deal about everything. Then he said that he did not remember if this conversation was with Subject [redacted] or Subject Jakl.

Subject [redacted] said that he clarified with Subject Jakl that Ms. [redacted] was not under the influence. Subject Jakl told him that he had checked Ms. [redacted] eyes and that she did not have nystagmus or show symptoms of being under the influence.

Subject [redacted] said that three to five minutes after he told Ms. [redacted] to leave, Witness Iketani was stomping around. He then clarified that he did not mean stomping around like a two-year-old, but talking loudly and walking around quickly. Witness Iketani made a comment something to the effect of, another DUI, I did not get this one, but he did not recall her exact words.

Subject [redacted] said that after Subject Jakl told Witness Iketani that she was done with the investigation of Ms. [redacted] Witness Iketani made it clear that she was upset and used words to the effect, another DUI, I did not get this, but he did not recall her exact words. Subject [redacted] said that Witness Iketani always becomes upset when a DUI investigation does not lead to an arrest.

Subject [redacted] said that it did not concern him that Subject Jakl stopped the investigation of Ms. [redacted] stating that Subject Jakl is an expert, Subject Jakl told him Ms. [redacted] was not under the influence, and Subject [redacted] believed Subject Jakl. In retrospect, since this incident resulted in this investigation, Subject [redacted] now believes that Subject Jakl should have let Witness Iketani finish.

Subject [redacted] was asked if Ms. [redacted] was put on a PAS device. He believed that he had a conversation with Subject Jakl but it was already determined that Ms. [redacted] was not under the influence.

Subject [redacted] said that he did not see Witness Iketani or Subject Jakl conduct field sobriety tests with Ms. [redacted] He added that they could have, but he was not paying attention.

Subject [redacted] was asked if he was aware of anyone intervening or stopping a DUI investigation other than this incident. Subject [redacted] related an incident in Palmdale where people were detained for possibly smoking marijuana and were given a PAS test even though the PAS does not determine marijuana. However, the investigation was not stopped in this incident. He added that during the field sobriety

test he asked if they were going to be arrested so he could start the booking package. He did not remember if the deputy was Witness Iketani or another deputy but the deputy shook their head no, yet they continued the field sobriety test. This concerned Subject [redacted] and he felt that the person may have been over-detained.

Subject [redacted] agreed that the way DUI investigations work is that the person is given the pre-investigative screening questions, then the standardized field sobriety tests, then if needed a PAS device is given, and then a determination is made if the person is under the influence or not. Subject [redacted] agreed this is the process. He was then asked why this process was not follow in this case. Subject [redacted] said he did not have an answer for this.

Subject [redacted] said that he did not have any involvement in the decision to stop the DUI investigation of Ms. [redacted]

Subject [redacted] said that he did not have any involvement in the decision to drive Commander Claus and the group home, but that he did know that they were going to be driven home.

Subject [redacted] said that Subject Jakl told him to get Ms. [redacted] out of there. He said that he (Subject [redacted] was standing about 50 feet away from Ms. [redacted] and shouted to her to get up and go over to where Commander Claus was.

Subject [redacted] was asked if it was appropriate for Subject [redacted] to drive the group home. He said that it was appropriate and that there was past pattern of practice as in the Palmdale example. It was brought to his attention that the people in the Palmdale incident were not driven home by department members. Subject [redacted] could not recall any other department members who drove a person's car home. He was then asked why the group was driven home on the night of August 5, 2016. He replied that he did not know. He said that there was no preferential treatment given to Commander Claus by driving the group home.

Subject [redacted] said that Subject Jakl determined that Ms. [redacted] was not under the influence of alcohol. He was then asked why it was necessary to drive the group home. He said that they would then be accused of letting them drive home drunk and that he was in a lose/lose situation. He did not have any concern about the group being driven home.

Sergeant Joseph Jakl

Sergeant Joseph Jakl was interviewed by Lieutenant Dominic Valencia, Professional Standards Division, on November 17, 2016, at 1025 hours, at Professional Standards Division, interview room C. Subject Jakl was represented by Teresa O'Neil of the Los Angeles County Professional Peace Officers Association.

The following narrative is intended only as a synopsis of Subject Jakl's interview. Additional information and precise wording may be obtained by reviewing the audio recorded interview, and verbatim transcript.

Subject Jakl said that he was assigned as the operations supervisor for the DUI checkpoint on August 5, 2016. He described his role as having overall responsibility of the entire operation.

Subject Jakl said that Subject [redacted] told him that Commander Claus was the passenger in a car and the driver was taken out of the car and being checked for her sobriety.

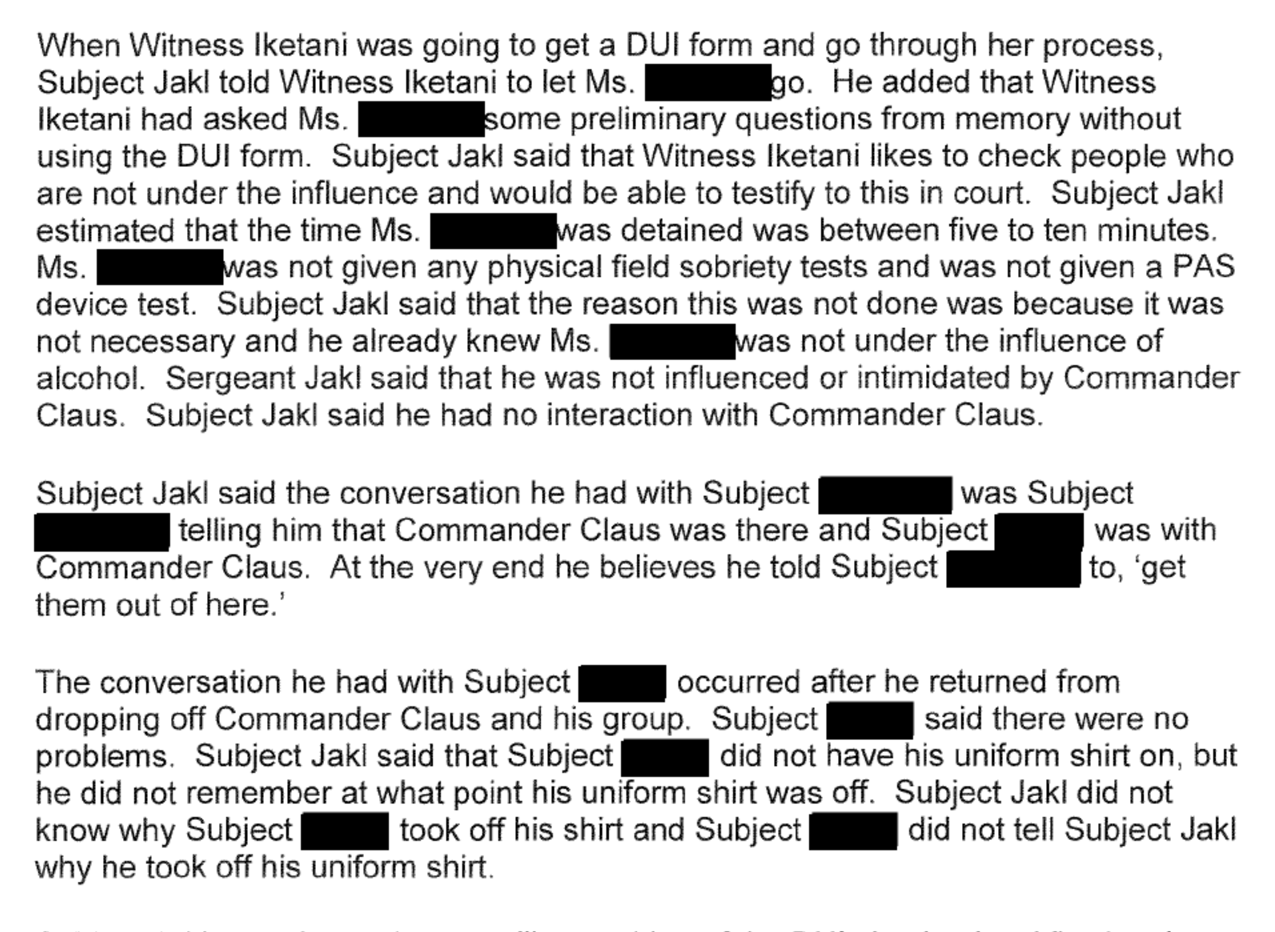
Subject Jakl did not know Ms. [redacted] name and described her as female, white, 25 years old, 5'6" to 5'8", 120 lbs.,

Subject Jakl further explained that he saw Ms. [redacted] walking fine. Witness Iketani told him that she could smell alcohol coming from the interior of the vehicle. Ms. [redacted] told Witness Iketani that she had a beer at the Dodger Game, the passengers were drinking and Ms. [redacted] was the designated driver.

Subject Jakl spoke to Witness Iketani who was detaining Ms. [redacted] at the secondary screening area. Witness Iketani had Ms. [redacted] seated in a chair, asked her a couple questions, and looked at her eyes. At this point Subject [redacted] told him that Commander Claus was in the car. Ms. [redacted] was determined not to be under the influence and was given a ride.

Subject Jakl said that he and Witness Iketani looked at Ms. [redacted] eyes and saw that her eyes lacked nystagmus. From this he could tell that Ms. [redacted] was not under the influence of alcohol.

Subject Jakl said that when he worked Traffic Services he was the instructor for the Department's drug and alcohol recognition training program, and has testified as an expert in criminal court in DUI cases. He has not taught DUI classes since 2006.



When Witness Iketani was going to get a DUI form and go through her process, Subject Jakl told Witness Iketani to let Ms. [redacted] go. He added that Witness Iketani had asked Ms. [redacted] some preliminary questions from memory without using the DUI form. Subject Jakl said that Witness Iketani likes to check people who are not under the influence and would be able to testify to this in court. Subject Jakl estimated that the time Ms. [redacted] was detained was between five to ten minutes. Ms. [redacted] was not given any physical field sobriety tests and was not given a PAS device test. Subject Jakl said that the reason this was not done was because it was not necessary and he already knew Ms. [redacted] was not under the influence of alcohol. Sergeant Jakl said that he was not influenced or intimidated by Commander Claus. Subject Jakl said he had no interaction with Commander Claus.

Subject Jakl said the conversation he had with Subject [redacted] was Subject [redacted] telling him that Commander Claus was there and Subject [redacted] was with Commander Claus. At the very end he believes he told Subject [redacted] to, 'get them out of here.'

The conversation he had with Subject [redacted] occurred after he returned from dropping off Commander Claus and his group. Subject [redacted] said there were no problems. Subject Jakl said that Subject [redacted] did not have his uniform shirt on, but he did not remember at what point his uniform shirt was off. Subject Jakl did not know why Subject [redacted] took off his shirt and Subject [redacted] did not tell Subject Jakl why he took off his uniform shirt.

Subject Jakl was shown the surveillance video of the DUI checkpoint. Viewing the video did not refresh his memory as to the events of August 5, 2016. Subject Jakl said the video showed the movement of vehicles, but he could not see where he was standing in the video.

Subject Jakl said that Witness Iketani can go overboard in her work. He said that Witness Iketani can take thirty to forty-five minutes to go through a process when there is no requirement to do so. Subject Jakl said that they were short staffed and he wanted to get personnel back out on the streets to find a real drink driver.

Subject Jakl said that he would not do anything differently.

Subject Jakl was re-interviewed by Lieutenant Dominic Valencia, Professional Standards Division, on January 12, 2017, at 1207 hours, at Professional Standards Division, interview room D. Subject Jakl was represented by Teresa O'Neil of the Los Angeles County Professional Peace Officers Association. The following narrative is intended only as a synopsis of Subject Jakl's interview. Additional information and precise wording may be obtained by reviewing the audio recorded interview, and verbatim transcript.

Investigator note: The audio and transcript indicate the interview took place on July 12, 2017, however, the correct date was January 12, 2017.

Subject Jakl was asked if he intervened or stopped Witness Iketani's DUI investigation with Ms. [redacted] Subject Jakl said that he did. He was asked his understanding of professional courtesy. He said that it was seeing a violation and letting the person get away with it. He was then asked if he extended professional courtesy to Ms. [redacted] because she was with Commander Claus. He said that he did not. He also said that he did not provide preferential treatment to Ms. [redacted] Subject Jakl was asked how the nystagmus test was conducted at the secondary screening area. He said that Witness Iketani used her pen or finger and had Ms. [redacted] track it back and forth with her eyes. Subject Jakl stood next to Witness Iketani as she did this, and saw the behavior of Ms. [redacted] eyes. He did not personally use his own pen or finger to perform this test. Other than the nystagmus test neither he nor Witness Iketani conducted any other field sobriety test. Other than the nystagmus test the only other indicator he saw of Ms. [redacted] to indicate that she was not under the influence was that he saw her walking to the pit area and noticed that her gait was fine.

Subject Jakl was asked if there are tests other than the nystagmus test to determine if a person is under the influence of alcohol. He replied that there are. He was asked why those tests were not given. He replied that they were not needed because he already determined that she was not under the influence.

Subject Jakl was asked why he did not let Witness Iketani complete the process. He replied that he did not want to unnecessarily or over-detain Ms. [redacted]

Subject Jakl was asked if he had stopped Witness Iketani before. He said that he had stopped Witness Iketani on two occasions previously. He could not describe the prior incident at a DUI checkpoint. The second incident he could remember was during a saturation patrol. They were in the West Hollywood area and Witness Iketani was stopped in an area that was dangerous with traffic, so the investigation was stopped for safety reasons.

Subject Jakl said that he did not communicate to Witness Iketani that he felt that Ms. [redacted] did not have nystagmus. He said that after he saw Ms. [redacted] eyes, he waited a minute or two to allow Witness Iketani to stop the investigation on her own, when she when to pick up a DUI form. Then he stopped the investigation.

Subject Jakl said to Witness Iketani and Subject [redacted] "Let's get her out of here." Witness Iketani did not make any comment. Subject Jakl was standing directly in front of Ms. [redacted] when he made this statement.

Subject Jakl said that it was Subject [redacted] decision to drive the group home. He did not have a discussion about the pros and cons of driving the group home. He did approve the plan to drive the group home.

Subject Jakl was asked if he had given approval on prior occasions to give people a ride home where a department member drives the other person's vehicle. He said that he has given such approval approximately ten to thirty times.

Subject Jakl was asked if he wanted to speed up the process and they were short staffed, why did he let Witness Houle and Subject [redacted] drive the group home. Subject Jakl explained that both Witness Houle and Subject [redacted] were motor officers and were not screening vehicles.

Subject Jakl was asked that as the operations supervisor is it his responsibility to stop a DUI investigation. He replied that if it was turning into an over detention, yes. He was asked if he conducted a DUI investigation. He replied that he did and considered the nystagmus test was an investigation. He added that his interaction with Ms. [redacted] was watching her walk to the pit area, listening to a couple of questions that Witness Iketani asked, and watching Witness Iketani perform the nystagmus test to Ms. [redacted]

Subject Jakl said that he was the person who determined that Ms. [redacted] was not under the influence. He said that due to his training and experience he can identify very quickly if someone is under the influence. He said that he was a DRE at one point in his career, but has not been a certified DRE in eight to ten years.

Subject Jakl was asked if Ms. [redacted] was not under the influence, then why was it necessary for Subject [redacted] to give the group a ride home. Subject Jakl said that he authorized Subject [redacted] driving the group home because Witness Iketani smelled alcohol coming from the vehicle, and because two of the males were argumentative. Subject Jakl said that it was a good idea to put Subject [redacted] in the vehicle with two argumentative males because he wanted to err on the side of caution and do the right thing.

Subject Jakl was asked if by having a department member drive the group home in their car, does it open the department up to civil liability. He replied that it could, but that he was not concerned about Subject [redacted] causing a collision, because the department gives good driver's training, and he knew Subject [redacted] would be extra careful.

Subject Jakl said he did not let Ms. [redacted] drive the group home even after he determined that she was not under the influence of alcohol because she had

admitted to having alcohol at the baseball game. He said he did not call a taxi for the group because he did not want to cause a financial loss.

Subject Jakl said the reason he did not give Ms. [redacted] a PAS test was because he was certain was not under the influence of alcohol.

Subject Jakl was asked if it would have been more appropriate to allow Witness Iketani to finish her DUI investigation of Ms. [redacted] He replied that it would not have been. He explained that he did not want to unnecessarily detain or over detain someone he knew was not under the influence and said that it did not show preferential treatment to Commander Claus.







COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM McDONNELL, SHERIFF

July 28, 2017

Sergeant Joseph Jakl, #[redacted]

Dear Sergeant Jakl:

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Sergeant, Item No. 2717A, with this Department, effective the close of business August 21, 2017.

An investigation under IAB File Number 2412373, conducted by Internal Affairs Bureau, coupled with your own statements, have established the following:

1. That in violation of the Manual of Policy and Procedures Sections 3-01/030.37, Unnecessary/ Inappropriate Interference in an Investigation; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders, as it pertains to Field Operations Directive 89-002; and/or 3-01/030.05, General Behavior; and/or 3-01/050.10, Performance to Standards, when on or about August 5, 2016, you knowingly interfered or unnecessarily interjected yourself into an investigation, that was the responsibility of another Department member, and/or failed to allow a DUI investigation to be completed, and/or used poor judgment, when you told Witness Reserve Deputy Deborah Iketani to discontinue a Driving Under the Influence investigation prior to Witness Iketani making a determination as to the driver's level of intoxication through the proper protocols including the administration of Field Sobriety Tests, thereby bringing discredit upon yourself or the Department.

2. That in violation of the Manual of Policy and Procedures Sections 3-01/030.10, Obedience to Laws, Regulations and Orders, as it pertains to 2-02/080.00, Sergeants; and/or 3-01/050.10, Performance to Standards; and/or 3-01/030.05, General Behavior, when on or about August 5, 2016, you did not carry out your duties in an unbiased and impartial manner and gave preferential treatment to a driver at a Driving Under the Influence Checkpoint.

3. That in violation of the Manual of Policy and Procedures Sections 3-01/030.10, Obedience to Laws, Regulations and Orders, as it pertains to 2-02/080.00, Sergeants; and/or 3-01/050.10, Performance to Standards; and/or 3-01/030.05, General Behavior, when on or about August 5, 2016, you did not carry out your duties in an unbiased and impartial manner and gave preferential treatment to a driver and passengers of a vehicle stopped at a DUI checkpoint by authorizing a Department member (Sergeant [redacted] to take the driver and three passengers home in their own vehicle, which was followed by Deputy Houle in a County vehicle.

4. That in violation of the Manual of Policy and Procedures Sections 3-01/040.75, Dishonesty/Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, you made false statements during your Internal Affairs Bureau interviews for this administrative investigation on November 17, 2016, January 12, 2017, and June 29, 2017, as evidenced by, but not limited to the following:

   a. stating that "we walked over to the girl to look at her eyes, and we looked at her eyes and I could already see that she wasn't under the influence she lacked nystagmus at an angle of onset"; and/or,

   b. stating that "Deputy Iketani used her finger or pen, I don't remember which, to have the subject follow and as her eyes went from left to right, that is the nystagmus, and that's how it was checked", and

stating that you could see that her eyes did not bounce; and/or,

c. stating that "I stood with Deputy Iketani as she held the stimulus, her finger or a pen, and looked at the driver's eyes"; and/or,

d. stating that "Once I saw the girl's eyes, I knew she wasn't going to jail"; and/or,

e. stating that Deputy Iketani "went to get a form and as she was getting the form, I, I think she got the form and was coming back and I, that's when I told her that, no, we're, we're going to stop and just let's get her out of here is what I said", indicating that Deputy Iketani never asked questions using the form; and/or stating that when Deputy Iketani "was going to grab one of the DUI forms and go through her entire process, I told her that that was it, we're just, we're going to let her go."

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet, which are incorporated herein by reference.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief Karyn Mannis, on August 21, 2017, at 1100 hours, in her office, which is located at 4900 South Eastern Avenue, Commerce California 90040. If you are unable to appear at the scheduled time and wish to schedule some other time prior to August 21, 2017, for your oral response, please call Chief Mannis' secretary at [redacted] for an appointment.

If you choose to respond in writing, please call Chief Mannis' secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief Mannis' office no later than August 21, 2017.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended discharge or until the conclusion of your pre-disciplinary hearing. If you are presently on an authorized leave, that leave will continue during the fifteen (15) business

days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JIM McDONNELL, SHERIFF

Josie S. Woolum, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

JSW:JMR:jr

cc: Advocacy Unit
Employee Relations Unit
Karyn Mannis, Chief, Professional Standards and Training Division
Internal Affairs Bureau
(File #IV2412373)



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE



JIM MCDONNELL, SHERIFF

September 25, 2017

Sergeant Joseph Jakl, #[redacted]

Date of Department Hire 12/02/1987

Dear Sergeant Jakl:

On July 28, 2017, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2412373. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, it has been determined that the recommended discipline is appropriate.

You are hereby notified that you are discharged from your position of Sergeant, Item No. 2717A, with this Department, effective as of the close of business on September 25, 2017.

An investigation under File Number IAB 2412373, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of the Manual of Policy and Procedures Sections 3-01/030.37, Unnecessary/ Inappropriate Interference in an Investigation; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders, as it pertains to Field Operations Directive 89-002; and/or 3-01/030.05, General Behavior; and/or 3-01/050.10, Performance to Standards, when on or about August 5, 2016, you knowingly interfered or unnecessarily interjected yourself into an investigation, that was the responsibility of another

Department member, and/or failed to allow a DUI investigation to be completed, and/or used poor judgment, when you told Witness Reserve Deputy Deborah Iketani to discontinue a Driving Under the Influence investigation prior to Witness Iketani making a determination as to the driver's level of intoxication through the proper protocols including the administration of Field Sobriety Tests, thereby bringing discredit upon yourself or the Department.

2. That in violation of the Manual of Policy and Procedures Sections 3-01/030.10, Obedience to Laws, Regulations and Orders, as it pertains to 2-02/080.00, Sergeants; and/or 3-01/050.10, Performance to Standards; and/or 3-01/030.05, General Behavior, when on or about August 5, 2016, you did not carry out your duties in an unbiased and impartial manner and gave preferential treatment to a driver at a Driving Under the Influence Checkpoint.

3. That in violation of the Manual of Policy and Procedures Sections 3-01/030.10, Obedience to Laws, Regulations and Orders, as it pertains to 2-02/080.00, Sergeants; and/or 3-01/050.10, Performance to Standards; and/or 3-01/030.05, General Behavior, when on or about August 5, 2016, you did not carry out your duties in an unbiased and impartial manner and gave preferential treatment to a driver and passengers of a vehicle stopped at a DUI checkpoint by authorizing a Department member (Sergeant [redacted] to take the driver and three passengers home in their own vehicle, which was followed by Deputy Houle in a County vehicle.

4. That in violation of the Manual of Policy and Procedures Sections 3-01/040.75, Dishonesty/Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, you made false statements during your Internal Affairs Bureau interviews for this administrative investigation on November 17, 2016, January 12, 2017, and June 29, 2017, as evidenced by, but not limited to the following:

a. stating that "we walked over to the girl to look at her eyes, and we looked at her eyes and I could already see that she wasn't under the influence she lacked nystagmus at an angle of onset"; and/or,

b. stating that "Deputy Iketani used her finger or pen, I don't remember which, to have the subject follow and as her eyes went from left to right, that is the nystagmus, and that's how it was checked", and stating that you could see that her eyes did not bounce; and/or,

c. stating that "I stood with Deputy Iketani as she held the stimulus, her finger or a pen, and looked at the driver's eyes"; and/or,

d. stating that "Once I saw the girl's eyes, I knew she wasn't going to jail"; and/or,

e. stating that Deputy Iketani "went to get a form and as she was getting the form, I, I think she got the form and was coming back and I, that's when I told her that, no, we're, we're going to stop and just let's get her out of here is what I said", indicating that Deputy Iketani never asked questions using the form; and/or stating that when Deputy Iketani "was going to grab one of the DUI forms and go through her entire process, I told her that that was it, we're just, we're going to let her go."

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05 and 18.02 of the Civil Service Rules.

You may, if you so desire, within fifteen (15) business days from the date of service of this notice of discharge, request a hearing on these charges before the Los Angeles County Civil Service Commission, 500 W. Temple Street, Room 522, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JIM McDONNELL, SHERIFF

Karyn Mannis

KARYN MANNIS, CHIEF
PROFESSIONAL STANDARDS AND TRAINING DIVISION

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

KM:JP:jp

cc: Advocacy Unit
Karyn Mannis, Chief, Professional Standards and Training Division
Scott E. Johnson, Captain, Risk Management Bureau
Internal Affairs Bureau
Kimberly L. Unland, Captain, Personnel Administration
Doreen Garcia, Pay and Leave Management